

E-FILED - 7/3/08

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAMPTON LEON FINNEY)	No. C 08-2069 RMW (PR)
)	
Petitioner,)	ORDER OF TRANSFER
)	
vs.)	
)	
J.D. HEARTLEY, Warden,)	
)	
Respondent.)	
_____)	

Petitioner, a state prisoner proceeding pro se incarcerated at California State Prison, Avenal, seeks a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the denial of parole by the California Board of Parole Hearings (“Board”).

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). If the petition is directed to the manner in which a sentence is being executed, however, e.g., if it involves claims challenging the denial of parole, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a)(2); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence); cf. Habeas L.R. 2254-3(a)(1) (district of conviction best forum to review challenge to lawfulness of conviction).

Avenal, where petitioner is confined, is located in Kings County, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84. Accordingly, this

1 case is TRANSFERRED to the United States District Court for the Eastern District of
2 California. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(2). The clerk shall
3 terminate any pending motions and transfer the entire file to the Eastern District of
4 California.

5 IT IS SO ORDERED.

6 DATED: 7/1/08



7 RONALD M. WHYTE
United States District Judge